THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION Nos. 5411, 15044 and 15180 of 2004

W.P.No.5411 of 2004

Date:13-03-2006

Between:

Hutchison Essar South Limited ….Petitioner

And

The Commercial Tax Officer and another …Respondents

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THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION Nos. 5411, 15044 and 15180 of 2004

COMMON ORDER (Per the Hon'ble Sri Bilal Nazki, J):

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Heard learned counsel for the petitioners and also learned Special Government Pleader for Commercial Taxes.

It is submitted by learned counsel for the petitioners that against the orders refusing to grant stay, appeals are pending and we are also told that the controversy raised in these writ petitions is covered by a judgment of the Supreme Court reported in ***Bharat Sanchar Nigam Limited and another vs. Union of India and others.***

In this view of the matter, we stay the recovery till disposal of the appeals and remand the matters back to the appellate authority, who may hear the parties and pass appropriate orders in terms of the judgment of the Supreme Court referred to above.

The writ petitions are accordingly allowed. No order as to costs.

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(Bilal Nazki, J)

13th March, 2006

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(G.Chandraiah, J)

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